



# MIOSHA Fact Sheet

## Construction Safety & Health Division

### MIOSHA and EPA Lead Rules: What's the Difference?

MIOSHA and the Environmental Protection Agency (EPA) are both governmental agencies, however, the rules they enforce are significantly different when it comes to contractors performing demolition, renovation, and/or repair to structures that may contain lead-based paint or coatings. MIOSHA rules and regulations are designed to protect the employee, while the EPA rules and regulations focus on protecting the environment and the general public. Contractors must comply with both agencies' rules and regulations.

#### **What is the EPA Lead-based Paint Renovation, Repair and Painting Program (RRP)?**

The Lead-Based Paint Renovation, Repair and Painting Program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces during work operations. It applies to residential houses, apartments, and child-occupied facilities such as schools and day-care centers built before 1978. It includes pre-renovation education requirements as well as training, certification, and work practice requirements.

Pre-renovation education requirements:

- Contractors, property managers, and others who perform renovations for compensation in residential houses, apartments, and child-occupied facilities built before 1978 are required to distribute a lead pamphlet to owners, tenants, and child-care facilities before starting renovation work.

Training, certification, and work practice requirements:

- Contractors are required to be EPA Lead-safe certified, their employees **must** be trained (either as a certified renovator or trained by a certified renovator while on-the-job) in the use of lead-safe work practices, as well as in lead-safe work practices that minimize exposures to lead hazards. These safe-work practices must be followed at all times.

Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities; including window replacement. EPA's lead renovation regulations can be found at [40 CFR Part 745, Subpart E](#).

#### **MIOSHA Requirements - Employer Responsibilities**

The MIOSHA [Part 603 Lead Exposure in Construction Standard](#) applies to all construction work operations where an employee may be occupationally exposed to lead. Any employer who has a workplace or operation that is covered by the standard is required to initially determine if employees are exposed to lead at or above the eight-hour Action Level of 30 ug/m<sup>3</sup> (micrograms per cubic meter of air). If work operations include tasks such as (but not limited to) spray painting (lead), manual demolition, sanding and/or heat gun applications; abrasive blasting, welding/cutting or torch burning where lead coatings or paint are present; the employer is required to provide the affected employees with appropriate interim protection (i.e., respiratory protection, personal protective clothing, change areas, hand washing facilities, biological monitoring, and training) until the actual employee exposures have been determined.

Many of the requirements are triggered by the level of employee exposure to lead. When exposures are at or above the action level, but less than the eight-hour Permissible Exposure Limit (PEL) of 50 ug/m<sup>3</sup>; the employer is required to implement routine air monitoring, medical surveillance, housekeeping, and training. Exposures in excess of the PEL require additional actions including, routine air monitoring, use of respiratory protection, protective work clothing and equipment, housekeeping practices, appropriate hygiene facilities, written/implemented engineering and work practice controls, medical surveillance and medical removal protection, employee training, warning signs, a copy of the standard, and record keeping.

### How to Avoid Hazards

The best way to prevent over-exposures to lead is to install and maintain engineering controls to eliminate or reduce the hazard. When employees are exposed above the PEL, the employer must develop a compliance program that includes engineering and work practice controls. Examples of engineering and other controls include:

- Conduct bulk material analysis to determine if lead is present.
- Provide interim protection until air monitoring determines exposure levels.
- Use exhaust ventilation and dust collection systems. For example, power tools used for grinding surfaces coated with lead containing paint can be equipped with dust collection systems. Use local exhaust ventilation where feasible.
- Use wet methods or a vacuum equipped with a high efficiency particulate (HEPA) filter to clean work areas contaminated with lead materials. Do not dry sweep or use compressed air.
- Comply with all requirements of Part 603 with regard to air monitoring, compliance program, use of protective work clothing and equipment, housekeeping, hygiene facilities, medical surveillance and medical removal protection, employee information and training, warning signs, and record keeping.
- When engineering and work practice controls cannot be used or do not reduce exposure to an acceptable level, then the employer must provide respiratory protection. The type of respiratory protection required is based on the level of exposure determined by air monitoring. At a minimum, the respirator must be a half mask, air-purifying respirator with HEPA filters. Remember, the employer must then implement a respiratory protection program as required by MIOSHA Part 451, Respiratory Protection.
- If respirators are used to protect employees, then a regulated area should be established to prevent unprotected employees from entering the exposure area.

For additional information regarding the hazards of lead and the measures that can be implemented to protect employees from exposure, you can visit the following web sites at:

[OSHA, Safety and Health Topics, Construction - Lead](#)  
[NIOSH, Preventing Lead Poisoning in Construction Workers](#)  
[NIOSH, Protecting Workers Exposed to Lead-Based Paint Hazards](#)  
[MIOSHA Consultation, Education, and Training Division](#)

Additional information on the EPA RRP Rules: [EPA Lead RRP Rules - Entity Compliance Guide](#)



LARA is an equal opportunity employer/program.  
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

Construction Safety and Health Division  
7150 Harris Drive • P.O. BOX 30645 • LANSING, MICHIGAN 48909-8145  
[www.michigan.gov/miosha](http://www.michigan.gov/miosha) • (517) 322-1856

